

House State & Local Government Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 3059*

House Bill No. 2979

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. This act shall be known as and may be cited as the “Family Burial Grounds Protection Act”. This bill is intended to provide notice to buyers of property with known burial grounds and gravesites. It does not remove any protection to those sites under existing law.

SECTION 2. As used in this part, unless the context otherwise requires: (1) “Crypt” has the same meaning as used in §46-1-102(8);

(2) “Gravesite” means a space of ground used for lawful interment of a deceased person; and

(3) “Human remains” or “remains” has the same meaning as used in §46-1-102(10).

SECTION 3. (a) A deed for real property which indicates the presence of a gravesite or crypt containing human remains on the property conveyed obligates the immediate and future buyer(s) of the property to protect such gravesite or crypt from disturbance. The seller of the property has the responsibility of seeing that the deed is properly amended to reflect the presence of the gravesite or crypt.

(b) Real property which has a deed that reflects the presence of human remains on the property is protected from disturbance or development as follows:

(1) A gravesite may not be disturbed in the area of ten feet (10') surrounding the perimeter of the gravesite; and

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(2) A crypt may not be disturbed in the area of five feet (5') surrounding the perimeter of the crypt.

(c) The owner of real property which has a deed that reflects the presence of human remains on the property has the option of transferring the remains, at the owner's expense, pursuant to the procedure for termination of use as a cemetery in Tennessee Code Annotated, Title 46, Chapter 4. Upon complete transfer of all human remains from such property which are properly described on the deed, the buyer has the right to the use of the area previously containing the remains as is consistent for the remainder of the property.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.